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6 Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 **(SAN FRANCISCO DIVISION)**

10 **In re: Bextra and Celebrex Marketing Sales  
Practices and Product Liability Litigation** MDL No. 1699

11 District Judge: Charles R. Breyer  
Magistrate:

12  
13  
14 **DANIEL VISHER**, individually,

Case No. C 07 1827 CRB

15 Plaintiff,

16 v.

17 PFIZER, INC., PHARMACIA CORP., and  
G.D. SEARLE & CO.,

**STIPULATION AND [PROPOSED]  
ORDER OF DISMISSAL WITHOUT  
PREJUDICE AS TO PLAINTIFF DANIEL  
VISHER, INDIVIDUALLY**

18 Defendants.

20 Comes now the Plaintiff, Daniel Visher, individually ("Plaintiff"), and Defendants Pfizer,  
21 Inc., Pharmacia, Corp., and G.D. Searle & Co. ("Defendants"), by and through the undersigned  
22 attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the  
23 dismissal of the plaintiff Daniel Visher's claims without prejudice with each side bearing its own  
24 attorneys' fees and costs.

26 This Stipulation and Order, does not affect any claims on behalf of the following named  
27 Plaintiffs:  
28

1. Louis Maclean, Case No. C 07 1827 CRB
  2. Shirley Motley, Case No. C 07 1827 CRB
  3. Elmer Murry, Case No. C 07 1827 CRB
  4. Odis Payne, Case No. C 07 1827 CRB
  5. Dolly Price, Case No. C 07 1827 CRB
  6. Carmen Pomales, Case No. C 07 1827 CRB
  7. John Slaybaugh, Case No. C 07 1827 CRB
  8. Greg Rhoades, Case No. C 07 1827 CRB
  9. Ardella Sims, Case No. C 07 1827 CRB
  10. Katherine Sinnett, Case No. C 07 1827 CRB
  11. William Skipper, Case No. C 07 1827 CRB
  12. Charles Tautfest, Case No. C 07 1827 CRB
  13. Jerry Trussel, Case No. C 07 1827 CRB
  14. John Vasquez, Case No. C 07 1827 CRB
  15. Danny Ward, Case No. C 07 1827 CRB
  16. Betty Weyand, Case No. C 07 1827 CRB
  17. Monica Williams, Case No. C 07 1827 CRB
  18. Veronica Carloss Crow on behalf of Estate of Dewey Carloss, Case No. C 07 1827 CRB
  19. Mary S. Malone on behalf of the Estate of Bobby Malone, Case No. C 07 1827 CRB
  20. Belinda Taylor on behalf of the Estate of Robert Taylor, Case No. C 07 1827 CRB
  21. Vikki L. Wells on behalf of the Estate of Dwight Wells, SR, Case No. C 07 1827 CRB

Plaintiff agrees to re-file any and all claims against Defendants, in a United States District

Court.

Dated: August 14, 2007

Respectfully submitted

By: John J. Gordan  
Stuart M. Gordon, Esq.  
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Attorney for the Defendants

Dated: August 14, 2007

Respectfully submitted

By: \_\_\_\_\_  
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Attorneys for Plaintiff

## **ORDER OF DISMISSAL WITHOUT PREJUDICE**

THIS MATTER having come before this Court on the Parties Stipulation of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a), it is hereby ORDERED AND ADJUDGED:

This matter is dismissed without prejudice with each side bearing its own attorneys' fees and costs.

DONE AND ORDERED this 22 day of August, 2007, in San Francisco, California.

Conformed copies to:

B. Kristian W. Rasmussen, Esquire  
Stuart M. Gordon, Esquire

